

Appl. No. 09/587,574
Amdt. Dated July 30, 2003
Reply to Final Office Action of January 30, 2003

REMARKS/ARGUMENTS

Claim 34 remains pending in the application. Claims 24-33 and 35-46 are canceled without prejudice.

Election/Restrictions:

The non-elected claims 24-32 and 35-46 have been canceled to place the application in condition for allowance.

Claim Rejections under 35 USC § 112, First Paragraph:

The Applicant thanks the Examiner for withdrawal of the rejection of Claims 33 and 34 under 35 USC § 112, first paragraph, with respect to not providing enablement for cancer treatment.

Since Claim 33 was canceled, the additional rejection under 35 USC § 112, first paragraph, with respect to Claim 33 is now moot and withdrawal thereof is respectfully requested.

Claim Rejections under 35 USC § 112, Second Paragraph:

Claims 33 and 34 were rejected under 35 USC § 112, second paragraph, for being indefinite. In light of the cancellation of claim 33, this rejection is now moot as to claim 33 and withdrawal thereof is respectfully requested.

With respect to claim 34, Examiner has stated that claim 34 is allowable if rewritten in independent form. Applicant has done so and respectfully submit that this rejection is overcome and withdrawal thereof is respectfully requested.

Claim Rejections under 35 USC § 102:

Examiner has rejected claim 33 under 35 USC § 102(b) as being anticipated by Zeng et al. (July 11, 1997, *Cell*, vol. 90, pages 181-192) as evidenced by Kishida et al. (May 1998, *J. Biol. Chem.* vol. 273, pages 10823-10826). In light of the cancellation of claim 33, this rejection is now moot and withdrawal thereof is respectfully requested.

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Allowable Subject Matter:

Applicant thanks the Examiner for indicating allowable subject matter. Accordingly, claim 34 has been rewritten in independent form as suggested by the Examiner on page 4 of the Office Action.

Conclusion:

Based on the foregoing amendments and remarks, favorable consideration and allowance of all of the claims now present in the application are respectfully requested.

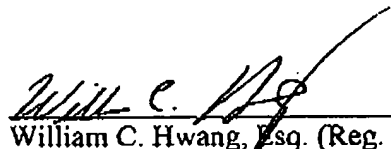
Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Finally, in order to preserve the time for the Examiner to act, Applicants have filed a Notice of Appeal concurrently with this Amendment.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted for Applicant,



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